

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 MARGARET A. LAFKO,
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
4 Telephone: (619) 237-7050

5 Attorneys for Complainant

6 BEFORE THE
7 DIVISION OF MEDICAL QUALITY
8 MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11

12 In the Matter of the Accusation)	
and Petition to Revoke Probation)	No. D-3746
13 Against:)	
)	STIPULATION
14 MILTON ROSENZWEIG, M.D.)	AND DECISION
P.O. Box 4454)	
15 Riverside, CA 92514)	
)	
16 Physician's and Surgeon's)	
Certificate No. G-23204)	
17)	
Respondent.)	
18)	

19 In the interest of a prompt and speedy settlement of
20 this matter, consistent with the public interest and the
21 responsibilities of the Division of Medical Quality, Medical
22 Board of California, Department of Consumer Affairs, State of
23 California, the parties submit this Stipulation and Decision to
24 the Medical Board of California for its approval and adoption as
25 the final disposition of the Accusation and Petition to Revoke
26 Probation.
27 //

1 The parties stipulate the following is true:

2 1. Accusation and Petition to Revoke Probation, No. D-
3 3746, is currently pending against Milton Rosenzweig, M.D.,
4 before the Medical Board of California ("Board").

5 2. Respondent is fully aware of the charges and
6 allegations contained in the Accusation and Petition to Revoke
7 Probation, No. D-3746 on file with the Board, and respondent is
8 fully aware of his rights in this matter.

9 3. Respondent is fully aware of the right to a hearing
10 on the charges and allegations contained in the Accusation and
11 Petition to Revoke Probation, right to reconsideration, appeal,
12 and all other rights which are accorded pursuant to the
13 Administrative Procedure Act.

14 4. Respondent hereby fully and voluntarily waives the
15 right to a hearing, reconsideration, appeal, and any and all
16 other rights which are accorded by the Administrative Procedure
17 Act.

18 5. Respondent admits that each and every allegation of
19 the Accusation and Petition to Revoke Probation is true, and that
20 cause exists hereby to impose discipline upon his license. This
21 admission is made for the purpose of this Stipulation only, and
22 it may not be used for any other purpose or in any other
23 proceeding.

24 WHEREFORE, IT IS STIPULATED the Board may, without
25 further notice of formal proceeding, issue and enter the
26 following decision:

27 //

1 A. Physician's and Surgeon's Certificate No. G-23204
2 issued to respondent Milton Rosenzweig, M.D., is revoked,
3 provided, however, that the revocation is stayed and respondent
4 is placed on probation for five years upon the following terms
5 and conditions:

6 1. Within 60 days of the effective date of this
7 decision, respondent shall take and successfully pass a clinical
8 oral examination in family practice, said examination to be
9 administered by the Division or its designee. If respondent
10 fails this examination, respondent must wait three months between
11 reexaminations except that after three failures, respondent must
12 wait one year to take each necessary reexamination thereafter.
13 The Division shall pay the cost of the first examination and
14 respondent shall pay the cost of any subsequent examinations.
15 Respondent shall not practice medicine until respondent has
16 passed the required examination and has been so notified by the
17 Division in writing. Failure to pass the required examination no
18 later than 100 days prior to the termination date of probation
19 shall constitute a violation of probation.

20 2. After respondent has successfully passed the
21 oral clinical examination, respondent shall be prohibited from
22 engaging in solo practice. Within 30 days after respondent has
23 been notified that he has successfully passed the oral clinical
24 examination in family practice, respondent shall submit to the
25 Division and receive its prior approval for a plan of practice
26 limited to a supervised structured environment in which
27 respondent's activities will be overseen and supervised by

1 another physician.

2 3. During the period of time that respondent is
3 required to practice within a structured environment, respondent
4 shall not prescribe, administer, dispense, order, or possess any
5 controlled substances as defined by the California Uniform
6 Controlled Substances Act, except for those drugs listed in
7 Schedules III, IV, and V of the Act.

8 4. Respondent shall abstain completely from the
9 personal use or possession of controlled substances as defined in
10 the California Uniform Controlled Substances Act and Dangerous
11 Drugs as defined by Section 4211 of the Business and Professions
12 Code, or any drugs requiring a prescription.

13 5. Orders prohibiting respondent from personal
14 use or possession of controlled substances or dangerous drugs do
15 not apply to medications lawfully prescribed to respondent for a
16 bona fide illness or condition by another practitioner.

17 6. Respondent shall abstain completely from the
18 use of alcoholic beverages, and respondent shall continue with
19 his present associations with Alcoholics Anonymous and with
20 Narcotics Anonymous. It is recognized, however, that such
21 associations may in some degree have to be modified or
22 substituted.

23 7. Respondent shall comply with the Division's
24 Probation Surveillance Program and respondent shall immediately
25 submit to biological fluid testing at respondent's cost upon the
26 request of the Division or its designee.

27 //

1 8. Respondent shall obey all federal, state, and
2 local laws and all rules governing the practice of medicine in
3 California.

4 9. Respondent shall submit a quarterly
5 declaration under penalty or perjury on forms provided by the
6 Division stating whether there has been compliance with all the
7 conditions of probation.

8 10. Respondent shall appear in person for
9 interviews with the Division or Medical Consultant upon request
10 at various intervals with reasonable notice.

11 11. In the event respondent should leave
12 California, to reside or practice outside the state, respondent
13 must notify in writing the Division of the dates of departure and
14 return. Periods of residency or practice outside California will
15 not apply to the reduction of this probationary period.

16 12. Upon successful completion of the period of
17 probation respondent's certificate will be fully restored.

18 13. If respondent violates his probation in any
19 respect, the Division after giving respondent notice and the
20 opportunity to be heard, may revoke the probation and reimpose
21 the order of revocation. If an accusation or petition to revoke
22 probation is filed against respondent during the period of his
23 probation, the Division shall have continuing jurisdiction until
24 the matter is final, and the period of probation shall be
25 extended until the matter is final.

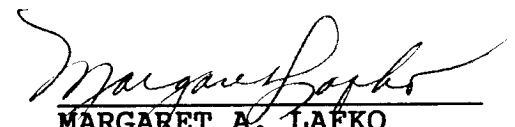
26 //

27 //

1 B. The within Stipulation and Decision shall be
2 subject to the approval of the Division of Medical Quality of the
3 Medical Board. If the Division fails to approve this
4 Stipulation, it shall be of no force or effect for either party.

5
6 DATED: August 30, 1990

7 JOHN K. VAN DE KAMP
8 Attorney General

9 
10 MARGARET A. LAFKO
11 Deputy Attorney General

12 Attorneys for Complainant

13
14
15 I HAVE READ the Stipulation and Decision; I understand
16 that I have the right to a hearing on the charges contained in
17 the aforementioned Accusation and Petition to Revoke Probation,
18 the right to confront and cross-examine witnesses, and the right
19 to introduce evidence in mitigation, the right to present
20 evidence or to call witnesses in my behalf, or to testify myself,
21 the right to contest the charges and allegations, the right to
22 reconsideration, appeal, and any and all other rights set forth
23 in the California Administrative Procedure Act, (Gov. Code,
24 §§ 11500 et seq.) and the California Code of Civil Procedure.

25
26 //
27 //

1 I knowingly and intelligently waive the aforementioned
2 rights and agree to be bound by the terms of the Stipulation,
3 Decision, and Order.

4 DATED: 22 May '90

5
6 Milton Rosenzweig, M.D.
7 MILTON ROSENZWEIG, M.D.

8 Respondent

9
10
11
12 DECISION

13 The attached Stipulation and Decision is hereby adopted
14 by the Division of Medical Quality, Medical Board of California,
15 Department of Consumer Affairs, State of California, as its
16 Decision in the above-entitled matter.

17 This Decision shall become effective on the 29th day of
18 October, 1990.

19 IT IS SO ORDERED this 27th day of September, 1990.

20
21 Theresa Claassen
22 Division of Medical Quality
23 Medical Board of California
24 Department of Consumer Affairs
25 State of California
26 THERESA CLAASSEN, Secretary-Treasurer
27

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 MARGARET A. LAFKO,
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
4 Telephone: (619) 237-7050

5 Attorneys for Complainant

6
7 BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
8 DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA
10

11 In the Matter of the Accusation) NO. D-3746
and Petition to Revoke Probation)
12 Against:)
13 MILTON ROSENZWEIG, M.D.) ACCUSATION AND
P.O. Box 4454) PETITION TO
14 Riverside, California 92514) REVOKE PROBATION
15 Physician's and Surgeon's)
Certificate No. G-23204)
16 Respondent)
17

18 Complainant Kenneth J. Wagstaff alleges:

19 1. He is the Executive Director of the Board of
20 Medical Quality Assurance (hereinafter the "Board") and makes
21 and brings this accusation and petition to revoke probation
22 solely in his official capacity.

23 2. In 1972, respondent Milton Rosenzweig, M.D.,
24 (hereinafter "respondent"), was issued physician and
25 surgeon's certificate number G-23204 by the Board.

26 3. By a stipulated decision, No. D-2082, effective
27 January 19, 1979, respondent's license was revoked based on

1 findings that respondent had prescribed various dangerous
2 drugs for several individuals on numerous occasions without a
3 medical indication for such prescriptions.

4 4. By a petition dated February 16, 1982,
5 respondent requested reinstatement of his medical license.
6 By a decision, No. L-28983, effective May 16, 1983,
7 respondent's license was reinstated on a probationary status
8 and respondent was placed on probation to the Board for a
9 period of five years on certain terms and conditions.

10 Conditions (A) and (B) of said decision state:

11 "A. Respondent shall enroll in and he shall
12 complete a one-year residency program in family practice
13 which residency program shall be subject to the approval
14 of the Division during the one-year residency program.
15 Respondent shall not prescribe, administer, dispense,
16 order, or possess any controlled substances as defined
by the California Uniform Controlled Substances Act,
other than controlled substances or drugs, which it is
appropriate for him to prescribe, administer, dispense,
or possess within his residency program."

17 "B. Upon completion of respondent's one year
18 residency program, then respondent shall take and
19 successfully pass a clinical oral examination in family
20 practice, said examination to be administered by the
21 Division or its designee. If respondent fails this
22 examination, respondent must wait three months between
reexaminations except that after three failures,
respondent must wait one year to take each necessary
reexamination thereafter. The Division shall pay the
cost of the first examination and respondent shall pay
the cost of any subsequent examinations." (Exhibit 1)

23 5. In a petition dated August 19, 1987, respondent
24 requested as follows:

25 "I am petitioning the Board to change this
26 provision (Condition (A)) to allow my completion in the stead

27 //

1 of the above-mentioned residency an eight-week refresher
2 course at the University of Pennsylvania." (Exhibit 2)

3 In a decision, No. L-41664, effective February 3,
4 1988, the Board denied respondent's petition, finding that
5 respondent failed to establish that the eight-week refresher
6 course was equivalent to a one-year residency program and
7 that good cause did not exist to modify condition (A) in
8 decision L-28983. (Exhibit 3)

9 6. This accusation is made in reference to the
10 following sections of the Business and Professions Code:

11 A. Sections 2220 and 2234 provide, in part,
12 that the Division may take action against all persons guilty
13 of violating the Medical Practice Act.

14 B. Section 2227 provides, among other things,
15 that a licensee whose matter has been heard and who is found
16 guilty, may have his license revoked, suspended, or placed
17 on probation.

18 C. Section 2228 provides that the Division may
19 include as a requirement of probation that the licensee
20 obtain additional professional training and pass an
21 examination upon the completion of such training.

22 7. Respondent is subject to disciplinary action
23 and revocation of probation because he has failed to comply
24 with conditions (A) and (B) of decision L-28983 in that he
25 has not completed a one-year residency program in family
26 practice and consequently has not taken and passed an oral
27 clinical examination in family practice.


1 WHEREFORE, complainant prays that the division hold
2 a hearing on the matters alleged herein, and following said
3 hearing, issue a decision:

4 1. Revoking or suspending physician's and
5 surgeon's certificate number G-23204 heretofore issued to
6 Milton Rosenzweig, M.D.;

7 2. Revoking the probation imposed on respondent by
8 the board in Decision L-28983; and

9 3. Taking such other and further action as the
10 division deems necessary.

11 DATED: February 19, 1988

12
13 
14 KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance

15
16 Complainant
17
18
19
20
21
22
23
24
25
26
27